No. 02-306

Supreme Court, U.S.
FILED
MAR 5 2003
CLERK

IN THE

Supreme Court of the United States

BENEFICIAL NATIONAL BANK AND
BENEFICIAL TAX MASTERS, INC.,
Petitioners,

v.

MARIE ANDERSON, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals For the Eleventh Circuit

JOINT APPENDIX

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March 2003

PETITION FOR CERTIORARI FILED AUGUST 26, 2002
CERTIORARI GRANTED JANUARY 24, 2003

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UNITED STATES COURT OF APPEALS
11TH CIRCUIT—ATLANTA

Docket No. 01-11863-JJ

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs-Appellants,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants-Appellees.

DOCKET ENTRIES

DATE	PROCEEDINGS
01/31/01	Fee Status: Paid (01/31/01) for Marie Anderson
04/10/01	DKT-10 Letter issued
04/10/01	Order Transferring From Misc. # 01-90003-F
04/10/01	Probable Jurisdiction Noted (order granting permission to appeal)
04/19/01	Appearance Form Submitted: Jeff S. Daniel
04/19/01	Appearance Form Submitted: K. Stephen Jackson

DATE	PROCEEDINGS
04/20/01	Transcript order form-no transcript requested: Appellant-Anderson, Marie (Atty: K. Stephen Jackson)
04/20/01	Civil Appeal Statement Form: Appellant-Anderson, Marie (Atty: K. Stephen Jackson)
04/23/01	Appearance Form Submitted: Burt M. Rublin
04/24/01	Briefing Notice Issued Br-1-civ
04/24/01	BR1CIV (Brief Letter 1) issued.
04/26/01	Appearance Form Submitted: A. Inge Selden III
04/26/01	Appearance Form Submitted: Peter Sean Fruin
04/26/01	Appearance Form Submitted: Stephen Clark Jackson
05/03/01	Appearance Form Submitted: Stewart M. Cox
05/16/01	Record Excerpts pt'd (bound on side, COS) M:5/25
05/16/01	Appellant's Brief Filed: PT'D (OA, Stament of issues and case, print size) M:525 Appellant-Anderson, Marie (Atty: K. Stephen Jackson) thru: Appellant-Young, Earline (Atty: K. Stephen Jackson)
05/17/01	BR8CIV (Brief deficiency letter) issued.
05/17/01	EXC-1CIV (Excerpts—Deficient) issued. To: Jackson, K. Stephen
05/18/01	Certificate of Readiness
06/18/01	Appellee Brief Filed: Beneficial National Bank, and Beneficial Tax Masters, Inc., signed by Burt Rublin

DATE	PROCEEDINGS
06/19/01	Appellee Brief Filed: Appellees-H & R Block, Inc., Beneficial H & R Block, Inc., National Bank & Beneficial Tax Masters, Inc. (atty: A. Inge Selden III)
06/25/01	Amicus Brief: Amicus Curiae Comptroller of the Currency
06/27/01	Record on Appeal
07/02/01	Reply Brief Filed: Appellant-Anderson, Marie, et al. (Atty: K. Anderson, Marie Stephen Jackson)
10/17/01	Supplemental Authority for Appellee: Appellee-H & R Block, (Atty: Stephen Jackson)
11/01/01	Oral Argument Scheduled: 11/01/01
11/02/01	Jeff S. Daniel argued for Appellant; Burt M. Rublin argued for Appellee; Stephen Clark Jackson argued for Appellee
04/03/02	Judgment Entered
04/03/02	OPIN1A (Opinion—Issuance with Costs) issued. Cost taxed against defendants-appellees.
04/03/02	Opinion Issued REVERSED & REMANDED.
04/17/02	Appearance Form Submitted: Howard N. Cayne
04/24/02	Petition for Rehearing En Banc: Appellee-H & R Block, Inc., (Atty: Peter Sean Fruin)
04/24/02	Petition for Rehearing En Banc: Appellee-Beneficial National Bank, (Atty: Stewart M. Cox): Appellee-Beneficial Tax Masters, Inc., (Atty: Stewart M. Cox)

DATE	PROCEEDINGS
05/29/02	The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, the Petition(s) for Rehearing En Banc are DENIED.
05/29/02	REHG1 (Rehearing—Transmittal) issued.
06/05/02	Motion to Stay Mandate: Appellee-Beneficial National Bank, (Atty: Stewart M. Cox): Appellee-Beneficial Tax Masters, Inc., (Atty: Stewart M. Cox)
06/17/02	The motion of Appellees' Beneficial National Bank and Beneficial Tax Masters, Inc., for stay of mandate pending petition for writ is GRANTED to and including August 27, 2002. (CRW)(J)
06/17/02	Mandate Stayed
06/17/02	MOT2 (Motion—Court Action) issued.
08/27/02	Notice of filing: Appellee-Beneficial National Bank, (Atty: Stewart M. Cox [sic]) that they have filed cert with USSC
09/03/02	Notice of Filing Certiorari: Appellee-Beneficial National Bank, (Atty: Stewart M. Cox) 02-306
09/09/02	Notice of Filing Certiorari: Appellee-H & R Block, Inc., (Atty: Peter Sean Fruin) 02-312

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
(Montgomery)

Civil Docket for Case # 00-CV-1457

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.
Defendants.

DOCKET ENTRIES

DATE	NO.	PROCEEDINGS
10/24/00	1	NOTICE OF REMOVAL w/attachments; FILING FEE $150.00 RECEIPT # 84208 (vmc) [Entry date 10/27/00]
10/24/00	1	COMPLAINT (vmc) [Entry date 10/27/00]

DATE	NO.	PROCEEDINGS
10/24/00	1	DEMAND for jury trial by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young (vmc) [Entry date 10/27/00]
10/24/0[illegible]	2	NOTICE to circuit court clerk of filing of Notice of Removal by H & R Block, Inc., Beneficial Nat'l Bk, Beneficial Tax (vmc) [Entry date 10/27/00]
10/25/00	3	ANSWER to Complaint by Beneficial Nat'l Bk, Beneficial Tax , referred to Mag. Judge John L. Carroll (vmc) [Entry date 10/27/00]
10/27/00	—	Notice of Assignment to US Mag. Judge mailed to plaintiff and dfts attys (vmc) [Entry date 10/27/00]
10/27/00	—	file referred to Judge Carroll (vmc) [Entry date 10/27/00]
11/1/00	—	CASE reassigned to Judge W. H. Albritton III (vmc) [Entry date 11/01/00]
11/1/00	—	file referred to Judge Albritton (vmc) [Entry date 11/01/00]
11/1/00	4	ANSWER to Complaint by H & R Block, Inc., referred to Judge W. H. Albritton III (vmc) [Entry date 11/01/00]

DATE	NO.	PROCEEDINGS
11/2/00	5	ORDER set Rule 16 Status Conference 8:30 11/28/00 before Judge W. H. Albritton III (signed by Judge W. H. Albritton III) , copies provided; furn: yg hc el.(vmc) [Entry date 11/02/00]
11/14/00	6	NOTICE of Attorney Appearance for H & R Block, Inc. by Peter S. Fruin (vmc) [Entry date 11/15/00]
11/22/00	7	MOTION by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young to Remand referred to Judge W. H. Albritton III (vmc) [Entry date 11/27/00]
11/22/00	8	BRIEF by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young in support of motion to Remand referred to Judge W. H: Albritton III (vmc) [Entry date 11/27/00]

DATE	NO.	PROCEEDINGS
11/28/00	9	ORDER TO SHOW CAUSE as to why plaintiffs' motion to remand should not be granted: Response to Order to Show Cause due on 12/6/00 for Beneficial Tax, for Beneficial Nat'l Bk, for H & R Block, Inc. set reply brief deadline for 12/13/00 for Earline Young, for Kenneth Williams, for Charles Thomas, for Albert Thomas, for Gerald Stokes, for Ernestine Starks, for Williams Screws, for Gwen Rogers, for Diane Peterson, for Betty Person, for Mamie Mitchell, for Willie Lawrence, for Evelyn Nelson, for Shirley Jernigan, fcr Caledonia Jackson, for Willie Lewis, for Lillie Franklin, for Diane Franklin, for April Deloach, for Annie Davis, for Audrey Darby, for Talaya Cope, for Patricia Coleman, for Walter Brutley, for Alvester Brafort, for Marie Anderson motion to Remand by plaintiffs set for submission on 12/13/00 (signed by Judge W. H. Aibritton III) , copies provided. (vmc) [Entry date 11/28/00]
12/1/00	10	NOTICE of Attorney Appearance for Beneficial Nat'l Bk by Hope T. Stewart (vmc) [Entry date 12/04/00]
12/5/00	12	BRIEF by Beneficial Nat'l Bk, Beneficial Tax in opposition to motion to Remand; w/Exh. Attached referred to Judge W. H. Albritton III (vmc) [Entry date 12/07/00]
12/6/00	11	BRIEF by H & R Block, Inc. in opposition to motion to Remand, referred to Judge W. H. Albritton III. (nna) [Entry date 12/06/00]

DATE	NO.	PROCEEDINGS
12/13/00	13	REPLY by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young in q brief in opposition by H & R Block, Inc., brief in opposition by Beneficial Tax, Beneficial Nat'l Bk referred to Judge W. H. Albritton III (vmc) [Entry date 12/13/00]
12/14/00	14	MEMORANDUM OPINION AND ORDER denying motion to Remand (signed by Judge W. H. Albritton III), copies provided (vmc) [Entry date 12/14/00]
12/15/00	15	MOTION for Alan S. Kaplinsky, Burt Rublin and Edward D. Rogers to Appear Pro Hac Vice FILING FEE $60.00 RECEIPT # 85141; w/cert. of Good Standing attached referred to Judge W. H. Albritton III (vmc) [Entry date 12/18/00]
12/18/00	16	ORDER granting motion for Alan S. Kaplinsky, Burt Rublin and Edward D. Rogers to Appear Pro Hac Vice FILING FEE $60.00 RECEIPT # 85141 (signed by Judge W. H. Albritton III) , copies provided. (vmc) [Entry date 12/18/00]

DATE	NO.	PROCEEDINGS
12/28/00	17	MOTION by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young for certification for interloctory review under 28 U.S.C. 1292(h)i; referred to Judge W. H. Albritton III (cc) [Entry date 12/29/00]
1/3/01	18	ORDER TO SHOW CAUSE why the motion for certification filed 12-28-00 should not be granted; Response to Order to Show Cause due on 1/17/01 for Beneficial Tax, for Beneficial Nat'l Bk, for B & R Block, Inc.; setting the motion for submission on that day for determination without oral hearing (signed by Judge W. B. Albritton III) , copies provided to counsel. (djy) [Entry date 01/03/01]
1/17/01	19	RESPONSE by Beneficial Nat'l Bk, Beneficial Tax to [17-1] motion for certification for interlocutory review under 28 U.S.C. 1292(b) by plaintiffs referred to Judge W. B. Albritton III (vmc) [Entry date 01/18/01]
1/19/01	20	ORDER that the Memorandum Opinion and Order of this court entered on 12/14/00 is AMENDED to add the following paragraph as set out in order (signed by Judge W. H. Albritton III) , copies provided. (vmc) [Entry date 01/19/01]

DATE	NO.	PROCEEDINGS
1/31/01	21	MOTION by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young to Stay proceedings and notice of filing petition for interlocutory review under 28 U.S.C. 1292(b) referred to Judge W. H. Albritton III (vmc) [Entry date 01/31/01]
1/31/01	21	NOTICE OF INTERLOCUTORY APPEAL of [14-1] order by Marie Anderson, Alvester Brafort, Walter Brutley, Patricia Coleman, Talaya Cope, Audrey Darby, Annie Davis, April Deloach, Diane Franklin, Lillie Franklin, Willie Lewis, Caledonia Jackson, Shirley Jernigan, Evelyn Nelson, Willie Lawrence, Mamie Mitchell, Betty Person, Diane Peterson, Gwen Rogers, Williams Screws, Ernestine Starks, Gerald Stokes, Albert Thomas, Charles Thomas, Kenneth Williams, Earline Young to the U.S. Court of Appeals, Eleventh Cirucuit. (Copies Provided) FILING FEE $ 105.00 RECEIPT # 86738 (hhk) [Entry date 04/19/01] [Edit date 04/19/01]

DATE	NO.	PROCEEDINGS
2/1/01	—	Received copy of MEMORANDUM TO COUNSEL OR PARTIES (dated January 31, 2001) from U.S. Court of Appeals, Eleventh Circuit advising that a Petition for Permission to Appeal pursuant to 28 USC 1292(b) has been filed, that any response which a party wishes to file must be received by this office on or before February 8, 2001, after which the motion and the response will be forwarded to the court for ruling without oral argument. [01-90003-F] (hhk) [Entry date 02/07/01]
2/2/01	22	Stamped ORDER granting [21-1] motion to Stay proceedings (by Judge W. H. Albritton III) , copies provided. (vmc) [Entry date 02/02/01]
4/13/01	23	ORDER (rendered April 10, 2001) of the U.S. Court of Appeals, Eleventh Circuit, GRANTING the petition for permission to appeal pursuant to 28 U.S.C. section 1292(b). Before: 11th Circuit Judge Stanley F. Birch Jr. Barkett and Marcus) copies provided. (hhk) [Entry date 04/17/01]
4/19/01	—	Notice of Appeal and certified copy of docket to USCA: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Ernestine Starks, Williams Screws, Gwen Rogers, Diane Peterson, Betty Person, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby,

DATE	NO.	PROCEEDINGS
		Talaya Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson (hhk) [Entry date 04/19/01]
4/19/01	—	Received Transcript Order Information Form from Appellants Atorney Jeffrey Daniel with notation, "No transcript is required for appeal purposes. [01-90003-F] (hhk) [Entry date 04/19/01]
4/19/01	—	USCA Case Number Re: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Earnestine Starks, Williams Screws, Gwen Rogers, Diane Peterson, Betty Person, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby, Talaya Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson USCA NUMBER: 01-90003-F (hhk) [Entry date 04/19/01]
5/16/01	—	CERTIFICATE OF READINESS of record on appeal mailed to USCA, 11th Circuit and counsel: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Ernestine Starks, Williams Screws, Gwen Rogers, Diane Peterson, Betty Person, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby, Talaya

DATE	NO.	PROCEEDINGS
		Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson (hhk) [Entry date 05/06/01]
6/12/01	—	REFERRAL JUDGE reassigned to Mag Judge Vanzetta P. McPherson (cc) [Entry date 06/12/01]
6/19/01	—	REQUEST for Record On Appeal from USCA re: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Ernestine Starks, Williams Screws, Gewn Rogers, Diane Peterson, Betty Peterson, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby, Talaya Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson (hhk) [Entry date 06/20/01]
6/20/01	—	Certified and transmitted Record on Appeal to U.S. Court of Appeals: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Ernestine Starks, Williams Screws, Gwen Rogers, Diane Peterson, Betty Person, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby, Talaya Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson [01-11863-JJ] (hhk) [Entry date 06/20/01]

DATE	NO.	PROCEEDINGS
6/29/01	—	ACKNOWLEDGMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [21-1] appeal by Earline Young, Kenneth Williams, Charles Thomas, Albert Thomas, Gerald Stokes, Ernestine Starks, Williams Screws, Gwen Rogers, Diane Peterson, Betty Person, Mamie Mitchell, Willie Lawrence, Evelyn Nelson, Shirley Jernigan, Caledonia Jackson, Willie Lewis, Lillie Franklin, Diane Franklin, April Deloach, Annie Davis, Audrey Darby, Talaya Cope, Patricia Coleman, Walter Brutley, Alvester Brafort, Marie Anderson USCA Number: 01-11863-JJ (hhk) [Entry date 07/09/01]
9/14/01	—	REFERRAL JUDGE reassigned to Mag. Judge Delores R. Boyd (ydl) [Entry date 09/14/01]

IN THE CIRCUIT COURT
OF BARBOUR COUNTY

Case: CV 2000 000088.00

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

DOCKET ENTRIES

DATE	PROCEEDINGS
09/19/2000	ASSIGNED TO JUDGE HON. BURT SMITHART
	JURY TRIAL REQUESTED ORIGIN: INITIAL FILING

DATE	NO.	PROCEEDINGS
09/28/2000		SERVICE OF CERTIFIED MAI ON 09/25/2000 FOR 0003
		SERVICE OF CERTIFIED MAI ON 09/25/2000 FOR 0002
09/29/2000		SERVICE OF CERTIFIED MAI ON 09/25/2000 FOR 0001
10/24/2000		NOTICE OF FILING NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION
10/25/2000		CASE ASSIGNED STATUS OF: DISPOSED DISPOSED ON: 10/24/2000 BY (RMVL FED COURT) (AV01) COURT ACTION JUDGE: HON. BURT SMITHART (AV01)

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed Sep. 19, 2000]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

There may be other entities whose true names and identities are unknown to the Plaintiffs at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the Plaintiffs when their true names and identities are accurately, ascertained by further discovery. Until that time, the Plaintiffs will designate these parties in accordance with Rule 9(h), Alabama Rules of Civil Procedure. The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnerships, any and all types of corporations and incorporated associations. The

symbol by which these party Defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterization of the symbol applies to more than one "entity." In the present action, the party Defendants which the Plaintiffs must include by descriptive characterization are as follows: "A", "TB" & "C", whether singular or plural, being the entity that was the finance company described below that committed the wrongful acts alleged in Plaintiffs' Complaint, and/or the entity on whose behalf the agent in question was acting; "D", "E" & "F", whether singular or plural, being that entity or persons, other than those entitles and persons described above, which is the successor in interest, or the assignee, or which undertook the duties, or assumed the liabilities of any of the entities described herein. Plaintiff alleges that the identities of the fictitious party-Defendants are otherwise unknown at this time, or, if known, their identities as proper party-Defendants are not known, but their true names will be substituted by amendment when ascertained.

COMPLAINT

1. The Plaintiff, Marie Anderson, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

2. The Plaintiff, Alvester Brafort, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

3. The Plaintiff, Walter Brutley, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

4. The Plaintiff, Patricia Coleman, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

5. The Plaintiff, Talaya Cope, is a resident citizen of Barbour County, Alabama and Cope, is over the age of nineteen years.

6. The Plaintiff, Audrey Darby, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

7. The Plaintiff, Annie Davis, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

8. The Plaintiff, April Deloach, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

9. The Plaintiff, Diane Franklin, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

10. The Plaintiff, Lillie Franklin, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

11. The Plaintiff, Willie Lewis, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

12. The Plaintiff, Caledonia Jackson, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

13. The Plaintiff, Shirley Jernigan, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

14. The Plaintiff, Evelyn Nelson, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

15. The Plaintiff, Willie Lawrence, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years.

16. The Plaintiff, Mamie Mitchell, is a resident citizen of Barbour County, Alabama and is over, the age of nineteen years.

17. The Plaintiff, Betty Person, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

18. The Plaintiff, Diane Peterson, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

19. The Plaintiff, Gwen Rogers, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

20. The Plaintiff, Williams Screws, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

21. The Plaintiff, Ernestine Starks, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

22. The Plaintiff, Gerald Stokes, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

23. The Plaintiff, Albert Thomas, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

24. The Plaintiff, Charles Thomas, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

25. The Plaintiff, Kenneth Williams, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

26. The Plaintiff Earline Young, is a resident citizen of Barbour County, Alabama and is over the age of nineteen years

27. The Defendant H & R Block, Inc. (hereinafter "HRB) is a foreign corporation doing business in Barbour County, Alabama at all times relevant to the facts herein.

28. The Defendant Beneficial National Bank (hereinafter "Beneficial) is a foreign corporation doing business in Barbour County; Alabama at all times relevant to the facts herein. Upon information and belief, Beneficial was acquired and/or merged with Household International, Inc. on or about June 1998.

29. The Defendant Beneficial Tax Masters (hereinafter "Tax Masters") is a foreign corporation doing business in Barbour County, Alabama. Upon information and belief, Tax Masters was acquired and/or merged with Household International, Inc. on or about June 1998.

30. There may be other entities whose true names and identifies are unknown to the Plaintiffs at this time who may be legally responsible for the claim(s) set forth herein who maybe added by amendment by the Plaintiffs when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiffs will designate these parties in accordance with Rule 9(h), Alabama Rules of Civil Procedure. The word "entity" as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnerships, any and all types of corporations and unincorporated associations. The symbol by which these party Defendants are designated is intended to include more than one entity in the event that discovery reveals that the descriptive characterization of the

symbol applies to more than one "entity." In the present action, the party Defendants which the Plaintiffs must include by descriptive characterization are as follows: "A." "B" & "C" whether singular or plural, being the entity that was the finance company described below that collected fees or interest and/or committed the wrongful acts alleged in Plaintiffs' Complaint, and/or the entity on whose behalf the agent in question was acting; "D" "E" & "F" whether singular or plural, being that entity or persons, other than those entities and persons described above, which is the successor in interest, or the assignee, or which undertook the duties; or assumed the liabilities of any of the entities described herein. Plaintiff alleges that the identities of the fictitious party-Defendants are otherwise unknown at this time, or, if known, their identities as proper party-Defendants are not known, but their true names will be substituted by amendment when ascertained.

JURISDICTION AND VENUE

31. The events giving rise to the claims in this Complaint originated in Barbour County; Alabama. Upon information and belief Defendants and Fictitious Party Defendants. presently conduct business by agent in Barbour County, Alabama, and have done so at all times relevant to this Complaint, venue is proper in the Circuit Court of Barbour County, Alabama as to Defendants and Fictitious Defendants pursuant to *Ala. Code* § 6-3-7 (1975) and Alabama Rule of Civil Procedure 82. Plaintiffs do not plead any cause of action under any federal law. Each Plaintiff individually seeks judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff.

FACTUAL ALLEGATIONS

32. Each named Plaintiff retained the services of the Defendants as tax professionals.

33. The Defendants undertook a confidential relationship with each Plaintiff and established the trust and confidence for professional advice four taxation matters.

34. Defendants held themselves out to be financial advisors functioning on behalf of the interest of the Plaintiffs.

35. Defendants charged the Plaintiffs interest charges and fees for tax refunfund anticipation loans.

36. The interest charges were knowingly assessed by the Defendants and are in excess of the legal limit on interest rates allowed under Alabama statute and the common law doctrine of usury. The assessment of penalties and fees has damaged the plaintiffs.

37. Defendants have wrongfully charged Plaintiffs for excessive fees relating to refund anticipation loans (herein-after "RAL").

COUNT I
INTENTIONAL MISREPRESENTATIONS

38. Plaintiffs reallege and incorporate by reference the foregoing paragraphs 1 through 37 and further avers as follows:

39. Defendants misrepresented material facts to the Plaintiffs which facts include, but are not limited to, the following:

(a) the interest rate paid by the Plaintiffs exceeded the rate disclosed to the plaintiffs.

(b) the Plaintiffs fees and interest rate would be substantially higher than the rate disclosed due to the Defendants' receipt of loan repayments.

(c) the Defendants utilized unreasonable repayment periods to calculate the interest rate.

40. Defendants actions constituted conduct involving actual malice, or, in the alternative, were a part of a pattern or practice of intentional wrongful conduct.

41. Defendants intended for Plaintiff to rely upon the misrepresentations described hereinabove, and Plaintiffs reasonably and justifiably relied on those representations to their detriment by:

(a) paying excessive interest and fees to the Defendants;

(b) foregoing the use of their money; and

(c) suffering mental anguish.

42. As a direct and proximate consequence of Defendants actions, Plaintiffs have been injured and damaged as identified herinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff, in an amount to be determined by jury.

COUNT II
SUPPRESSION OF MATERIAL FACTS

43. Plaintiffs reallege and incorporate by reference the foregoing paragraphs 1 through 42 and further avers as follows:

44. Defendants, withheld, concealed, and suppressed from Plaintiff certain material facts which the Defendants were under a duty to communicate to them, based upon a confidential relationship of the parties or the facts of this particular case.

45. The material facts which the Defendants withheld, concealed, and suppressed from Plaintiff include, but are not limited to, the following:

(a) the interest rate paid by the Plaintiffs exceeded the rate disclosed to the plaintiffs.

(b) the Plaintiffs fees and interest rate would be substantially higher than the. rate disclosed due to the Defendants' receipt of loan repayments.

(c) the Defendants utilized unreasonable repayment periods to calculate the interest rate.

46. Defendants intended for Plaintiffs to rely upon the suppressions described hereinabove, and Plaintiff reasonably and justifiably relied on those suppressions to Plaintiffs' detriment by:

(a) paying excessive interest and fees to the Defendants;

(b) foregoing the use of their money; and

(c) suffering mental anguish.

47. Defendants' actions were fraudulent, malicious, wanton, gross and/or oppressive, and were intended to injure or defraud Plaintiffs.

48. Defendants' actions constituted conduct involving actual malice, or, in the alternative, were apart of a pattern or practice of intentional wrongful conduct.

49. As a direct and proximate consequence of Defendants' conduct, Plaintiffs have been injured and damaged as described hereinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff; in an amount to be determined by a jury.

COUNT III
BREACH OF FIDUCIARY DUTY

50. Plaintiffs reallege and incorporate by reference each fact contained in paragraphs 1 through 49 above, and in the counts below, as if pleaded separately herein.

51. By virtue of the relationship of the Plaintiffs and Defendants, the facts suppressed by the Defendants, and the superior knowledge and bargaining position of the Defendants, a confidential and fiduciary relationship arose between the Plaintiffs and the Defendants. Plaintiffs reposed confidence and trust in Defendants, and relied on Defendants' duties to act in the best interest of the Plaintiffs.

52. Defendants breached their duty to the Plaintiffs and failed to disclose the Defendants' licencing agreement. Defendants' breach their duty and failed to notify the Plaintiffs of a conflict of interest in profiting from the licensing arrangement.

53. Plaintiffs further relied on Defendants' actions and representations and were induced by Defendants to pay excessive interest and fees, when Plaintiffs otherwise would not have paid excessive interest and fees.

54. Defendants had a duty to make financial decisions in the interest of the Plaintiffs.

55. Defendants and their agents recklessly breached their fiduciary duty to Plaintiffs by suppressing the following material facts:

(a) the interest rate paid by the Plaintiffs exceeded the rate disclosed to the plaintiffs.

(b) the Plaintiff's fees and interest rate would be substantially higher than the rate disclosed due to the Defendants' receipt of loan repayments.

(c) the Defendants utilized unreasonable repayment periods to calculate the interest rate.

56. Defendants breached their fiduciary duties descried hereinabove, and Plaintiffs suffered damages as follows:

(a) paying excessive interest and fees to the Defendants;

(b) foregoing the use of their money; and

(c) suffering mental anguish.

57. As a direct and proximate consequence of Defendants actions, Plaintiffs have been injured and damaged as identified herinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff, in an amount to be determined by a jury.

COUNT IV
USURY VIOLATIONS

58. Plaintiffs reallege and incorporate by reference the foregoing paragraphs 1 through 57 and further avers as follows:

59. Defendants charged each Plaintiff excessive interest in violation of the common law usury doctrine.

60. Defendants have violated Alabama Code. § 8-8-1, et seq. by charging excessive interest on the Plaintiffs' tax refund.

61. Defendants breached their statutory and common law duties described hereinabove, and Plaintiffs suffered damages as follows:

(a) paying excessive interest and fees to the Defendants;

(b) foregoing the use of their money; and

(c) suffering mental anguish.

62. As a direct and proximate consequence of Defendants actions, Plaintiffs have been injured and damaged as identified herinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff, in an amount to be determined by a jury.

COUNT V
ALABAMA MINI CODE VIOLATIONS

63. Plaintiffs reallege and incorporate by reference the foregoing paragraphs 1 through 62 and further avers as follows:

64. Defendants have charged each Plaintiff excessive interest in violation of Alabama Code § 5-19-1, et seq., including but not limited to § 5-19-3, by charging excess interest on the Plaintiffs' RAL.

65. The excessive interest charges were knowingly assessed by the Defendants and were a deliberate violation of Alabama Code § 5-19-1, et seq.

66. The Defendants excessive interest charges were made with reckless disregard of the provisions of Alabama Code § 5-19-1, et seq.

67. Defendants breached their statutory and common law duties described hereinabove, and Plaintiffs suffered damages as follows:

(a) paying excessive interest and fees to the Defendants;

(b) foregoing the use of their money, and

(c) suffering mental anguish.

68. As a direct and proximate consequence of Defendants actions, Plaintiffs have been injured and damaged as identified herinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendants joint and severally for compensatory damages and punitive damages not to exceed $74,900 per named Plaintiff, in an amount to be determined by a jury.

PLAINTIFF'S DEMAND TRIAL BY STRUCK JURY

/s/ Walter B. Calton
Walter B. Calton (CAL036)
John Hagood (HAG010)
CALTON, RUTLAND &
HAGOOD, L.L.C.
312 East Broad Sheet
Post Office Box 696
Eufaula, Alabama. 36027

/s/ K. Stephen Jackson
K. Stephen Jackson (JAC034)
Jeff S. Daniel (DAN034)
JACKSON, FRALEY &
SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
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Telephone: (205) 870-9797
Facsimile: (205) 870-7956

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

[Filed Oct. 24, 2000]

CIVIL ACTION
NO. 00-C-1457-N

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

NOTICE OF REMOVAL

H&R Block, Inc. ("Block"), Beneficial National Bank and Beneficial Tax Masters, Inc. (collectively, "Beneficial"), defendants in the above-captioned action, hereby give Notice of Removal pursuant to 28 U.S.C. §1446(a). As grounds for removal, defendants aver the following:

1. On September 19, 2000, plaintiffs filed this action in the Circuit Court for Barbour County, Alabama, which was docketed as Case No. CV-2000-088. (Copies of the summons and complaint, as well as any other pleadings, process and orders served upon defendants in the state court action, are attached as Exhibit "A" to this Notice).

2. The Complaint was served on Block and Beneficial on September 25, 2000, and therefore this Notice is timely filed.

3. The Complaint asserts a claim that arises under the laws of the United States and is therefore subject to removal under 28 U.S.C. §§1331 and 1441.

4. This suit arises from tax refund anticipation loans ("RALs") made to Block customers by Beneficial. A RAL is a loan made to a tax preparation service customer by a bank in the amount of his or her anticipated tax refund, less the fees charged by the lender and the tax preparation service, which files the customer's tax return electronically. The customer authorizes the Government to deposit his or her tax refund directly into an account at the bank, thereby repaying the loan. A RAL enables a taxpayer to receive the amount of his or her anticipated tax refund, less applicable charges, within just a few days.

5. In Count IV of the Complaint, plaintiffs allege "Usury Violations" by the defendants. In particular, plaintiffs allege that "Defendants charged each plaintiff excessive interest in violation of the common law usury doctrine," and "Defendants have violated Alabama Code §8-81, et seq. by charging excessive interest on the Plaintiffs' tax refund." (Complaint, ¶¶59-b0). Every RAL at issue in the Complaint was originated by defendant Beneficial National Bank, a national banking association chartered pursuant to the National Bank Act and located in Wilmington, Delaware.

6. Section 85 of the National Bank Act, 12 U.S.C. §85, is the exclusive provision that governs the rate of interest that a national banking association (such as Beneficial National Bank) may lawfully charge.

> "Any association may take, receive, reserve, and charge on any loan or discount made, or upon any notes, bills of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located . . . ."

Thus, Beneficial was empowered under the National Bank Act to charge the interest rates allowed by its home state, Delaware, and could impose those interest rates throughout the country, notwithstanding usury ceilings in RAL borrowers' states. *See, e.g., Smiley v. Citibank (South Dakota), N.A.,* 517 U.S. 735 (1996); *Marquette National Bank v. First of Omaha Service Corp.,* 439 U.S. 299 (1978).

7. Section 86 of the National Bank Act, 12 U.S.C. §86, prescribes the exclusive remedies available against a national bank that charges interest in excess of what Section 85 of the National Bank Act permits.

> "The taking, receiving, reserving, or charging a rate of interest greater than is allowed by section 85 of this title, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same; *Provided,* That such action is commenced within two years from the time the usurious transaction occurred."

8. Plaintiffs have asserted a usury claim which necessarily arises under the National Bank Act, 12 U.S.C. §§85 and 86, since that Act creates an exclusive federal remedy against a national bank which charges excessive "interest." *Farmers' and Mechanics' National Bank V. Dearing,* 91 U.S. 29, 34-35 (1875); *McCollum v. Hamilton National Bank,* 303 U.S. 245, 248 (1938); *Evans v. National Bank of Savannah*, 251 U.S. 108, 109-09, 1 14 (1919); *Schuyler National Bank v. Gadsden*, 191 U.S. 451 (1903); *Carter v. Carusi,* 1 12 U.S. 478 (1884).

9. As a general matter, a cause of action arises under the laws of the United States only if a federal claim appears on

the face of the complaint. *Franchise Tax Board v. Construction Laborers Vacation Trust,* 463 U.S. 1 (1983). A preemption defense generally cannot be the basis of the original federal jurisdiction necessary for removal to federal court. *Metropolitan Life Ins. Co. v. Taylor,* 481 U.S. 58 (1987). However, there is an exception to this general rule where Congress has completely preempted a state law claim, which results in a recharacterization of the state law claim as a federal claim which may be removed to federal court. *Id.* at 66.

10. Sections 85 and 86 of the National Bank Act completely preempt state law and allow removal where, as here, a usury claim is made which alleges the charging of excessive interest.

11. A number of federal courts in Alabama and elsewhere around the country have held that the National Bank Act completely preempts state law claims alleging the charging of excessive interest. *See, e.g., Hunter v. Rich's Dept. Stores,* 945 F.Supp. 1500, 1508-1510 (N.D. Ala. 1995); *Fortenberry v. SouthTrust Bank of Alabama National Association,* 1996 U.S. Dist. LEXIS 21685 at *9-*12 (N.D. Ala. March 21,1996); *Moss v. South Trust Mobile Services, Inc., 1995* U.S. Dist. LEXIS 21770 at *5-*8 (N.D. Ala. Sept. 22, 1995).

12. The great weight of authority in other jurisdictions is in accord: *M. Nahas & Co. v. First National Bank of Hot Springs,* 930 F.2d 608 (8th Cir. 1991); *Krispin v. The May Department Stores Co.,* 218 F.3d 919, 922-924 (8th Cir. 2000); *Nelson v. Citibank (South Dakota) N.A.,* 794 F.Supp. 312 (D. Minn. 1992); *Hill v. Chemical Bank,* 799 F.Supp. 948 (D. Minn. 1992) (reaching same conclusion under §27 of the Federal Deposit Insurance Act); *Goehl v. Mellon Bank,* 825 F.Supp. 1239 (E.D. Pa. 1993); *Ament v. PNC National Bank,* 825 F.Supp. 1243 (W.D. Pa. 1992); *Watson v. First Union National Bank of South Carolina,* 837 F.Supp. 146 (D.S.C. 1993); *Beeman V. Mbank Houson, N.A.,* 691 F.Supp. 1027 (S.D. Tex. 1988).

13. Significantly, in a RAL case brought in Louisiana against Block, Chief Judge John Parker denied a motion to remand, finding that plaintiffs' claims, though couched in state law terms, were completely preempted by the National Bank Act. *Gallagher v. H&R Block Eastern Tax Services, Inc.,* No. 97-749-A (M.D. La. Jan. 13,1998) (attached as Exhibit "B"). This ruling was affirmed on appeal. *Battiste v. H&R Block,* 209 F.3d 719 (5th Cir. 2000) (per curiam).

14. Pursuant to 28 U.S.C. § 1441(d), a copy of this Notice of Removal is being filed with the Circuit Clerk of Barbour County, Alabama, and served upon counsel for all parties.

WHEREFORE, defendants Block and Beneficial hereby provide Notice of their removal of this action to the United States District Court for the Middle District of Alabama.

/s/ Stewart M. Cox
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Attorneys for Defendant
H&R Block, Inc.

SENDER COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

H&R Block, Inc.
4400 Main Street
Kansas City, Missouri 64111

CV-2000-088
Pg1

2. Article Number (Copy from service label) 7000 0520 0014 4552 0687

PS Form 3811, July 1999 Domestic Return Receipt

SENDER COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

A. Received by (Please Print Clearly) B. Date of Delivery 9/25

1. Article Addressed to:

Beneficial Tax Masters Inc
c/o Household Intl Inc
2700 Sanders Road
Prospect Heights, IL
60070

CV-2000-088
D003

3. Service Type: Certified Mail, Express Mail, Registered, Return Receipt for Merchandise, Insured Mail, COD

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) 7000 0520 0014 4552 0694

PS Form 3811, July 1999 Domestic Return Receipt

SENDER COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

A. Received by (Please Print Clearly) B. Date of Delivery 9/25

1. Article Addressed to:

Beneficial National Bank
c/o Household Intl Inc
2700 Sanders Road
Prospect Heights, IL
60070

CV-2000-088
D002

3. Service Type: Certified Mail, Express Mail, Registered, Return Receipt for Merchandise, Insured Mail, COD

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) 7000 0520 0014 4552 0700

PS Form 3811, July 1999 Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0014 4552 0700

Postage	$ 1.43
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.08

CV-2000-088
D002

Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Beneficial National Bank
Street, Apt. No.; or PO Box No.
2700 Sanders Road
City, State, ZIP+4
Prospect Heights, IL 60070

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0014 4552 0687

Postage	$ 1.43
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.08

CV-2000-088
D001

Postmark Here

H&R Block, Inc.
4400 Main Street
Kansas City, Missouri 64111

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0014 4552 0694

Postage	$ 1.43
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.80

CV-2000-088
D003

Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Beneficial Tax Masters, Inc.
Street, Apt. No.; or PO Box No.
2700 Sanders Road
City, State, ZIP+4
Prospect Heights, Illinois 60070

PS Form 3800, February 2000 See Reverse for Instructions

BEST AVAILABLE COPY

IN THE CIRCUIT COURT OF
BARBOUR COUNTY,
ALABAMA CLAYTON DIVISION

[Filed _____]

CIVIL ACTION NUMBER
CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

PLAINTIFFS' FIRST CONSOLIDATED DISCOVERY REQUEST TO DEFENDANT BENEFICIAL NATIONAL BANK

COME NOW the Plaintiffs pursuant to Alabama Rule of Civil Procedure 34, and hereby propound to the Defendant, Beneficial National Bank (hereinafter referred to as "Beneficial"), the following Interrogatories and Requests for Production, responses to which are due within thirty days after service.

(A) These discovery requests are continuing in character so as to require you to file supplementary answers if you obtain additional or different information before trial.

(B) You are requested to produce the original of each document together with all nonidentical copies and drafts of that document. If the original of any document cannot be located, a copy (identified as a copy) shall be provided in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

(C) Documents shall be produced as they are kept in the regular course of business. All documents shall be produced in the filed folder, envelope or other container in which the documents are kept or maintained..

(D) If after conducting a reasonable investigation you cannot respond to a Request, you should so state and answer to the extent that you can, stating what information you do have, what information you cannot provide and stating the efforts to locate and obtain the unknown information.

DEFINITIONS

For the purpose of these Requests for Production and as used herein, the following words shall have, and be construed with reference to, the following meanings and definitions:

(1) "Identify" when used in reference to a natural person shall mean to state his or her full name and current, last known, resident address, current employer, and current business address; when used with respect to a document (as hereinafter defined) "identify" means to state the date, subject or substance, author, all recipients, type of document (e.g., letter, telegram, memorandum, computer printout, sound reproduction, chart, etc.), its present location, and the identity of each of its current custodians, and shall include documents

(a) with respect to which a privilege it is, or may be, claimed and (b) documents which have been destroyed, lost, misplaced or damaged.

(2) "Document" and "documents" shall mean all documents subject to discovery under the Alabama Rules of Civil Procedure, and shall include, without limitation, every original and non-identical copy of each and every paper, document (including blind copies), letter, telegram, teletype, telex, telecopy, facsimile transmission, drawing, picture, photograph, negative, slide, movie, film, visual or audio transcription or record, memorandum, sketch, chart, report, note (including, but not limited to, notes used to prepare any letter, memorandum, report, or other document as herein defined), contract, agreement, change order, form, work sheet, memorandum or tape recording of telephone conversation or other conversation, witness (including, but not limited to, potential witness) interview, sound recording, sound recording transcription, engineering study, cross-section, plan, expert analysis, diary, journal, ledger, work memorandum, report of investigation and/or inspection, file memorandum, brochure, book, microfilm, tape, video tape, magnetic storage medium, exhibit, attachment, draft, certificate, chart, table, testimony, transcript of testimony, affidavit, printed or readable material, and any and all other means of storage and/or transmission of human intelligence.

(3) "Correspondence" shall mean any document carried by the United States Mail, the United States Postal Service, any private courier or courier service, facsimile, or transferred or transmitted in any manner whatsoever.

(4) "You" or "your" shall mean Beneficial National Bank and any named Defendant, any fictitious Defendant and/or it's affiliates, subsidiaries, it's present or future officers, directors, agents, employees, and any other persons acting or purporting to act for or on it's or it's parents', affiliates' or subsidiaries' behalf.

(5) "Person" or "individual" includes individuals, corporations, firms, sole proprietorships, partnerships, associations, trusts, and governmental agencies, bodies and officials.

(6) "Facts" include, but are not limited to, events, transactions, and occurrences, the location of such events, transactions, or occurrences, all of which concern (as herein defined), or are concerned with, in any way whatsoever, directly or indirectly, the interrogatory subject.

(7) "Incident" shall mean the facts and circumstances giving rise to the claims made the basis of this lawsuit.

(8) "Application(s)" shall mean those loan applications executed by Plaintiff.

(9) "Plaintiff" shall mean any named Plaintiff.

(10) "Defendant" shall mean any named defendant and shall include but not be limited to any company that has been purchased, acquired, merged with or controlled by Beneficial National Bank or a subsidiary or parent company of Beneficial National Bank. This Definition expressly includes any subsidiary or parent company of Household International, Inc. and/or Household Finance Corporation.

(11) "RAL" shall mean refund anticipation loan, or other loan product marketed and/or sold by the Defendants.

(12) Unless otherwise stated, these requests seek documents concerning the time period from 1987 to the present (the "relevant time period"). The documents to be produced include all documents prepared, dated, sent and/or received during the relevant time period.

INTERROGATORIES

1. Please state the name, date of birth, social security number, present business address, present employer and telephone number of each person who provided any information of whatever nature or description, relating to any of your answers to these interrogatories and request for production, and specify as to each person what interrogatories that person provided information for?

2. State the Defendant's correct legal name (i.e. the name in which it can sue or be sued).

3. State the name and address of each principal insurer of the Defendant who insured or reinsured the Defendant against risks or losses for the claims made the basis of this lawsuit, including any excess or umbrella carriers.

4. State whether the Defendant, its attorneys or any agents of the Defendant or its attorneys has secured, obtained or has any knowledge of any statement or account made by any person, including parties, whether written, recorded or oral, which pertain in any way to the occurrence made the basis of this lawsuit or any class action relating to tax refund loans and/or RAL loans. If so, state separately and severally the name and address of each person from whom a statement was obtained, the date the statement was obtained, and the person or either who has custody of said statement(s).

5. Identify all individuals to whom the Defendant has sold RAL loans from 1990 to the present day. Your response may be limited to claims for loans that were sold in the following Alabama Counties: Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

6. Identify the name, last known address and title of each employee, agent or subcontractor that calculated,

analyzed, determined and/or performed interest rate calculations and/or functions for the RAL product.

7. Do you contend any person or entity other than you is, or may be, responsible in whole or part for the claims asserted against you in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

8. List the name, last known address and telephone number of all persons who may have knowledge of the incidents described in the Complaint. Please state whether said person is currently employed by the Defendant, each person's title and the issues of which each identified person has knowledge.

9. List the name, last known address and telephone number of all persons who have been employed by H&R Block between 1990 and the present date. State whether said person is currently employed by the Defendant, each person's title and the dates of employment. Your response may be limited to claims for loans that were sold in the following Alabama Counties: Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

10. Does the Defendant maintain a department, employee, or subcontractor responsible for reviewing, auditing or investigating interest collections and/or loan profitability? If so, state the name(s), title(s), employer and location of employment for said person(s).

11. List the name and address of each and every expert witness you plan to call at the trial of this case. State the following:

(a) his or her qualifications as an expert;

(b) the subject matter on which he or she is expected to testify;

(c) the expert witnesses' expected testimony.

12. If you contend that any of the documents requested herein below are privileged, provide the following information:

(a) Identify the document by the date it bears, or if none, the date it was written;

(b) Identify the document by the name and address of each person who wrote it or participated in the writing of it, by the name and address of each person to whom it was addressed, each person to whom a copy was identified as being directed and by the name and address of each person who received a copy of the document;

(c) Identify the document by the description of the document, as for instance, a "letter" or a "memorandum";

(d) Indicate the document's present location or custodian; or, if unknown, its last known location or custodian or indicate the location and custodian of any copies;

(e) Indicate the reason the document was not produced, i.e, attorney-client privilege, work-product privilege, etc.

13. If any of the documents requested herein below or any of the information requested above are not within your possession, custody or control at the time your responses to these discovery requests are due, please list;

(a) the last known location of the documents or information;

(b) the identity of any person or entity having information about the location of the requested documents and information.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce a complete copy of each Plaintiffs loan account, tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank. and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

8. Produce all documents which identify and/or explain the establishment, location and access to the Defendants' archives or records storage.

9. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or discuss loan applications and/or credit approval for refund anticipation loans.

10. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or

discuss electronic fund transfers and/or funds received from the Internal Revenue Service.

11. Produce all documents, letters and memoranda regarding Defendants calculation, policy, plan, procedure, design and/or method of determining the finance charge for refund anticipation loans.

12. Produce all documents attached as exhibits to the depositions of any individual who was deposed in the case styled *Zawikowski v. Beneficial National Bank, et al.*, No. 98 C 2178 United Stats District Court, Northern District of Illinois.

13. Please produce copies of Beneficial's annual reports, balance sheet and statement of cash flows or other reports of Beneficial's financial condition for the past ten (10) years.

14. Please produce copies of the resume and/or curriculum vitae of each expert witness you expect to testify at trial and all reports received from each expert.

/s/ K. Stephen Jackson
K. Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY &
SHUTTLESWORTH, P.C.
1740 Oxmoor Road, Suite E
Birmingham, AL 35209
(205) 870-9797

Walter B. Calton
John Hagood
CALTON, RUTLAND &
HAGOOD, L.L.C.
312 East Broad Street
Post Office Box 696
Eufaula, Alabama 36027

DISCOVERY REQUESTS SERVED WITH ORIGINAL SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF BARBOUR COUNTY,
ALABAMA CLAYTON DIVISION

[Filed _____]

CIVIL ACTION NUMBER
CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

5.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

TO: BENEFICIAL NATIONAL BANK
c/o Household International, Inc.
2700 Sanders Road
Prospect Heights, Illinois 60070

PLEASE TAKE NOTICE that pursuant to *Alabama Rules of Civil Procedure* 30(b)5 and 30(b)6 that Plaintiffs will take the deposition of Defendant before a court reporter or some other officer authorized by law to administer oaths, at a time

mutually agreed to by the parties at the offices of Jackson, Fraley & Shuttlesworth, P.C., 1740 Oxmoor Road, Suite E, Birmingham, Alabama 35209, beginning at 9:00 a.m., and shall continue or be resumed from time to time thereafter until the same has been completed.

Further note that pursuant to Rule 30(b)(6) said corporation "shall designate one or more officers directors, managing agents or other persons who consent to testify on its behalf ', and that the persons so designated shall testify as to matters known or reasonably available to said corporation as further identified in the request for documents contained hereinafter.

The deponent is requested to bring the following documents to the deposition and produce a copy of same ten (10) days prior to said deposition:

1. Produce a complete copy of each Plaintiffs loan account, tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank. and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

/s/ Stephen Jackson
Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY &
SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
Birmingham, Alabama 35209
Telephone: (205) 870-9797

DEPOSITION NOTICE SERVED WITH ORIGINAL SUMMONS AND COMPLAINT.

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

5.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

TO: H&R BLOCK, INC.
4400 Main Street
Kansas City, Missouri 64111

PLEASE TAKE NOTICE that pursuant to *Alabama Rules of Civil Procedure* 30(b)5 and 30(b) that Plaintiffs will take the deposition of Defendant before a court reporter or some other officer authorized by law to administer oaths, at a time

mutually agreed to by the parties at the offices of Jackson, Fraley & Shuttlesworth, P.C.,1740 Oxmoor Road, Suite E, Birmingham, Alabama 35209, beginning at 9:00 a.m., and shall continue or be resumed from time to time thereafter until the same has been completed.

Further note that pursuant to Rule 30(b)(6) said corporation "shall designate one or more officers directors, managing agents or other persons who consent to testify on its behalf', and that the persons so designated shall testify as to matters known or reasonably available to said corporation as further identified in the request for documents contained hereinafter.

The deponent is requested to bring the following documents to the deposition and produce a copy of same ten (10) days prior to said deposition:

1. Produce a complete copy of the Plaintiffs tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between H&R.Block, Inc and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

/s/ K. Stephen Jackson
K. Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY &
SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
Birmingham, Alabama 35209
Telephone: (205) 870-9797

DEPOSITION NOTICE SERVED WITH ORIGINAL SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG
Plaintiffs,

5.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.
Defendants.

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

T0: BENEFICIAL NATIONAL BANK
c/o Household International, Inc.
2700 Sanders Road
Prospect Heights, Illinois 60070

PLEASE TAKE NOTICE that pursuant to *Alabama Rules of Civil Procedure 30(b)5* and 30(b)6 that Plaintiffs will take the deposition of Defendant before a court reporter or some other officer authorized by law to administer oaths, at a time

mutually agreed to by the parties at the offices of Jackson, Fraley & Shuttlesworth, P.C.,1740 Oxmoor Road, Suite E, Birmingham, Alabama 35209, beginning at 9:00 a.m., and shall continue or be resumed from time to time thereafter until the same has been completed.

Further note that pursuant to Rule 30(b)(6) said corporation "shall designate one or more officers directors, managing agents or other persons who consent to testify on its behalf", and that the persons so designated shall testify as to matters known or reasonably available to said corporation as further identified in the request for documents contained hereinafter.

The deponent is requested to bring the following documents to the deposition and produce a copy of same ten (10) days prior to said deposition:

1. Produce a complete copy of each Plaintiffs loan account, tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank. and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

/s/ K. Stephen Jackson
K. Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY &
SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
Birmingham, Alabama 35209
Telephone: (205) 870-9797

DEPOSITION NOTICE SERVED WITH ORIGINAL SUMMONS AND COMPLAINT.

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

PLAINTIFFS' FIRST CONSOLIDATED DISCOVERY REQUEST TO DEFENDANT H&R BLOCK, INC.

COME NOW the Plaintiffs pursuant to Alabama Rule of Civil Procedure 34, and hereby propound to the Defendant, H&R Block, Inc. (hereinafter referred to as "H&R Block"), the following Interrogatories and Requests for Production, responses to which are due within thirty days after service.

(A) These discovery requests are continuing in character so as to require you to file supplementary answers if you obtain additional or different information before trial.

(B) You are requested to produce the original of each document together with all nonidentical copies and drafts of that document. If the original of any document cannot be located, a copy (identified as a copy) shall be provided in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

(C) Documents shall be produced as they are kept in the regular course of business. All documents shall be produced in the filed folder, envelope or other container in which the documents are kept or maintained..

(D) If after conducting a reasonable investigation you cannot respond to a Request, you should so state and answer to the extent that you can, stating what information you do have, what information you cannot provide and stating the efforts to locate and obtain the unknown information.

DEFINITIONS

For the purpose of these Requests for Production and as used herein, the following words shall have, and be construed with reference to, the following meanings and definitions:

(1) "Identify" when used in reference to a natural person shall mean to state his or her full name and current, last known, resident address, current employer, and current business address; when used with respect to a document (as hereinafter defined) "identify" means to state the date, subject or substance, author, all recipients, type of document (e.g., letter, telegram, memorandum, computer printout, sound reproduction, chart, etc.), its present location, and the identity of each of its current custodians, and shall include documents (a) with respect to which a privilege it is, or may be, claimed and (b) documents which have been destroyed, lost, misplaced or damaged.

(2) "Document" and "documents" shall mean all documents subject to discovery under the Alabama Rules of Civil Procedure, and shall include, without limitation, every original and non-identical copy of each and every paper, document (including blind copies), letter, telegram, teletype, telex, telecopy, facsimile transmission, drawing, picture, photograph, negative, slide, movie, film, visual or audio transcription or record, memorandum, sketch, chart, report, note (including, but not limited to, notes used to prepare any letter, memorandum, report, or other document as herein defined), contract, agreement, change order, form, work sheet, memorandum or tape recording of telephone conversation or other conversation, witness (including, but not limited to, potential witness) interview, sound recording, sound recording transcription, engineering study, cross-section, plan, expert analysis, diary, journal, ledger, work memorandum, report of investigation and/or inspection, file memorandum, brochure, book, microfilm, tape, video tape, magnetic storage medium, exhibit, attachment, draft, certificate, chart, table, testimony, transcript of testimony, affidavit, printed or readable material, and any and all other means of storage and/or transmission of human intelligence.

(3) "Correspondence" shall mean any document carried by the United States Mail, the United States Postal Service, any private courier or courier service, facsimile, or transferred or transmitted in any manner whatsoever.

(4) "You" or "your" shall mean H&R Block, Inc. and any named Defendant, any fictitious Defendant and/or it's affiliates, subsidiaries, it's present or future officers, directors, agents, employees, and any other persons acting or purporting to act for or on it's or it's parents', affiliates' or subsidiaries' behalf.

(5) "Person" or "individual" includes individuals, corporations, firms, sole proprietorships, partnerships, associations, trusts, and governmental agencies, bodies and officials.

(6) "Facts" include, but are not limited to, events, transactions, and occurrences, the location of such events, transactions, or occurrences, all of which concern (as herein defined), or are concerned with, in any way whatsoever, directly or indirectly, the interrogatory subject.

(7) "Incident" shall mean the facts and circumstances giving rise to the claims made the basis of this lawsuit.

(8) "Application(s)" shall mean those loan applications executed by Plaintiff.

(9) "Plaintiff' shall mean any named Plaintiff.

(10) "Defendant" shall mean any named defendant and shall include but not be limited to any company that has been purchased, acquired, merged with or controlled by H&R Block, Inc. or a subsidiary or parent company of H&R Block, Inc..

(11) "RAL" shall mean refund anticipation loan, or other loan product marketed and/or sold by the Defendants.

(12) Unless otherwise stated, these requests seek documents concerning the time period from 1987 to the present (the "relevant time period"). The documents to be produced include all documents prepared, dated, sent and/or received during the relevant time period.

INTERROGATORIES

1. Please state the. name, date of birth, social security number, present business address, present employer and telephone number of each person who provided any information of whatever nature or description, relating to any of your answers to these interrogatories and request for production, and specify as to each person what interrogatories that person provided information for?

2. State the Defendant's correct legal name (i.e. the name in which it can sue or be sued).

3. State the name and address of each principal insurer of the Defendant who insured or reinsured the Defendant against risks or losses for the claims made the basis of this lawsuit, including any excess or umbrella carriers.

4. State whether the Defendant, its attorneys or any agents of the Defendant or its attorneys has secured, obtained or has any knowledge of any statement or account made by any person, including parties, whether written, recorded or oral, which pertain in any way to the occurrence made the basis of this lawsuit or any class action relating to tax refund loans and/or RAL loans. If so, state separately and severally the name and address of each person from whom a statement was obtained, the date the statement was obtained, and the person or either who has custody of said statement(s).

5. Identify all individuals to whom the Defendant has sold RAL loans from 1990 to the present day. Your response may be limited to claims for loans that were sold in the following Alabama Counties: Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

6. Identify the name, last known address and title of each employee, agent or subcontractor that calculated, analyzed, determined and/or performed interest rate calculations and/or functions for the RAL program.

7. Do you contend any person or entity other than you is, or may be, responsible in whole or part for the claims asserted against you in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

8. List the name, last known address and telephone number of all persons who may have knowledge of the incidents described in the Complaint. Please state whether said person is currently employed by the Defendant, each person's title and the issues of which each identified person has knowledge.

9. List the name, last known address and telephone number of all persons who have been employed by H&R Block between 1990 and the present date. State whether said person is currently employed by the Defendant, each person's title and the dates of employment. Your response may be limited to claims for loans that were sold in the following Alabama Counties: Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

10. Does the Defendant maintain a department, employee, or subcontractor responsible for reviewing, auditing or investigating interest collections and/or loan profitability? If so, state the name(s), title(s), employer and location of employment for said person(s).

11. List the name and address of each and every expert witness you plan to call at the trial of this case. State the following:

(a) his or her qualifications as an expert;

(b) the subject matter on which he or she is expected to testify;

(c) the expert witnesses' expected testimony.

12. If you contend that any of the documents requested herein below are privileged, provide the following information:

(a) Identify the document by the date it bears, or if none, the date it was written;

(b) Identify the document by the name and address of each person who wrote it or participated in the writing of it, by the name and address of each person to whom it was addressed, each person to whom a copy was identified as being directed and by the name and address of each person who received a copy of the document;

(c) Identify the document by the description of the document, as for instance, a "letter" or a "memorandum";

(d) Indicate the document's present location or custodian; or, if unknown, its last known location or custodian or indicate the location and custodian of any copies;

(e) Indicate the reason the document was not produced, i.e, attorney-client privilege, work-product privilege, etc.

13. If any of the documents requested herein below or any of the information requested above are not within your possession, custody or control at the time your responses to these discovery requests are due, please list;

(a) the last known location of the documents or information;

(b) the identity of any person or entity having information about the location of the requested documents and information.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce a complete copy of each Plaintiffs loan account, tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda correspondence and/or communication between Beneficial National Bank. and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

8. Produce all documents which identify and/or explain the establishment, location and access to the Defendants' archives or records storage.

9. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or discuss loan applications and/or credit approval for refund anticipation loans.

10. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or discuss

electronic fund transfers and/or funds received from the Internal Revenue Service.

11. Produce all documents, letters and memoranda regarding Defendants calculation, policy, plan, procedure, design and/or method of determining the finance charge for refund anticipation loans.

12. Produce all documents attached as exhibits to the depositions of any individual who was deposed in the case styled *Zawikowski v. Beneficial National Bank, et al.*, No. 98 C 2178 United Stats District Court, Northern District of Illinois.

13. Please produce copies of H&R Block's annual reports, balance sheet and statement of cash flows or other reports of H&R Block's financial condition for the past ten (10) years.

14. Please produce copies of the resume and/or curriculum vitae of each expert witness you expect to testify at trial and all reports received from each expert.

/s/ Stephen Jackson

Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY & SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
Birmingham, Alabama 35209
Telephone: (205) 870-9797

Walter B. Calton
John Hagood
CALTON, RUTLAND & HAGOOD, L.L.C.
312 East Broad Street
Post Office Box 696
Eufaula, Alabama 36027

DISCOVERY REQUESTS SERVED WITH ORIGINAL SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

PLAINTIFFS' FIRST CONSOLIDATED DISCOVERY REQUEST TO DEFENDANT BENEFICIAL NATIONAL BANK

COME NOW the Plaintiffs pursuant to Alabama Rule of Civil Procedure 34, and hereby propound to the Defendant, Beneficial National Bank (hereinafter referred to as `Beneficial"), the following Interrogatories and Requests for Production, responses to which are due within thirty days after service.

(A) These discovery requests are continuing in character so as to require you to file supplementary answers if you obtain additional or different information before trial.

(B) You are requested to produce the original of each document together with all nonidentical copies and drafts of that document. If the original of any document cannot be located, a copy (identified as a copy) shall be provided in lieu thereof, and shall be legible and bound or stapled in the same manner as the original.

(C) Documents shall be produced as they are kept in the regular course of business. All documents shall be produced in the filed folder, envelope or other container in which the documents are kept or maintained..

(D) If after conducting a reasonable investigation you cannot respond to a Request, you should so state and answer to the extent that you can, stating what information you do have, what information you cannot provide and stating the efforts to locate and obtain the unknown information.

DEFINITIONS

For the purpose of these Requests for Production and as used herein, the following words shall have, and be construed with reference to, the following meanings and definitions:

(1) "Identify" when used in reference to a natural person shall mean to state his or her full name and current, last known, resident address, current employer, and current business address; when used with respect to a document (as hereinafter defined) "identify" means to state the date, subject or substance, author, all recipients, type of document (e.g., letter, telegram, memorandum, computer printout, sound reproduction, chart, etc.), its present location, and the identity of each of its current custodians, and shall include documents (a) with respect to which a privilege it is, or may be, claimed

and (b) documents which have been destroyed, lost, misplaced or damaged.

(2) "Document" and "documents" shall mean all documents subject to discovery under the Alabama Rules of Civil Procedure, and shall include, without limitation, every original and non-identical copy of each and every paper, document (including blind copies), letter, telegram, teletype, telex, telecopy, facsimile transmission, drawing, picture, photograph, negative, slide, movie, film, visual or audio transcription or record, memorandum, sketch, chart, report, note (including, but not limited to, notes used to prepare any letter, memorandum, report, or other document as herein defined), contract, agreement, change order, form, work sheet, memorandum or tape recording of telephone conversation or other conversation, witness (including, but not limited to, potential witness) interview, sound recording, sound recording transcription, engineering study, cross-section, plan, expert analysis, diary, journal, ledger, work memorandum, report of investigation and/or inspection, file memorandum, brochure, book, microfilm, tape, video tape, magnetic storage medium, exhibit, attachment, draft, certificate, chart, table, testimony, transcript of testimony, affidavit, printed or readable material, and any and all other means of storage and/or transmission of human intelligence.

(3) "Correspondence" shall mean any document carried by the United States Mail, the United States Postal Service, any private courier or courier service, facsimile, or transferred or transmitted in any manner whatsoever.

(4) "You" or "your" shall mean Beneficial National Bank and any named Defendant, any fictitious Defendant and/or it's affiliates, subsidiaries, it's present or future officers, directors, agents, employees, and any other persons acting or purporting to act for or on it's or it's parents', affiliates' or subsidiaries' behalf.

(5) "Person" or "individual" includes individuals, corporations, firms, sole proprietorships, partnerships, associations, trusts, and governmental agencies, bodies and officials.

(6) "Facts" include, but are not limited to, events, transactions, and occurrences, the location of such events, transactions, or occurrences, all of which concern (as herein defined), or are concerned with, in any way whatsoever, directly or indirectly, the interrogatory subject.

(7) "Incident" shall mean the facts and circumstances giving rise to the claims made the basis of this lawsuit.

(8) "Application(s)" shall mean those loan applications executed by Plaintiff.

(9) "Plaintiff" shall mean any named Plaintiff.

(10) "Defendant" shall mean any named defendant and shall include but not be limited to any company that has been purchased, acquired, merged with or controlled by Beneficial National Bank or a subsidiary or parent company of Beneficial National Bank. This Definition expressly includes any subsidiary or parent company of Household International, Inc, and/or Household Finance Corporation.

(11) "RAL" shall mean refund anticipation loan, or other loan product marketed and/or sold by the Defendants.

(12) Unless otherwise stated, these requests seek documents concerning the time period from 1987 to the present (the "relevant time period"). The documents to be produced include all documents prepared, dated, sent and/or received during the relevant time period.

INTERROGATORIES

1. Please state the name, date of birth, social security number, present business address, present employer and telephone number of each person who provided any information of whatever nature or description, relating to any of your answers to these interrogatories and request for production, and specify as to each person what interrogatories that person provided information for?

2. State the Defendant's correct legal name (i.e. the name in which it can sue or be sued).

3. State the name and address of each principal insurer of the Defendant who insured or reinsured the Defendant against risks or losses for the claims made the basis of this lawsuit, including any excess or umbrella carriers.

4. State whether the Defendant, its attorneys or any agents of the Defendant or its attorneys has secured, obtained or has any knowledge of any statement or account made by any person, including parties, whether written, recorded or oral, which pertain in any way to the occurrence made the basis of this lawsuit or any class action relating to tax refund loans and/or RAL loans. If so, state separately and severally the name and address of each person from whom a statement was obtained, the date the statement was obtained, and the person or either who has custody of said statement(s).

5. Identify all individuals to whom the Defendant has sold RAL loans from 1990 to the present day. Your response may be limited to claims for loans that were sold in the following Alabama Counties; Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

6. Identify the name, last known address and title of each employee, agent or subcontractor that calculated, analyzed,

determined and/or performed interest rate calculations and/or functions for the RAL product.

7. Do you contend any person or entity other than you is, or may be, responsible in whole or part for the claims asserted against you in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

8. List the name, last known address and telephone number of all persons who may have knowledge of the incidents described in the Complaint. Please state whether said person is currently employed by the Defendant, each person's title and the issues of which each identified person has knowledge.

9. List the name, last known address and telephone number of all persons who have been employed by H&R Block between 1990 and the present date. State whether said person is currently employed by the Defendant, each person's title and the dates of employment. Your response may be limited to claims for loans that were sold in the following Alabama Counties: Barbour, Bullock, Macon, Henry, Pike, Crenshaw, Butler, Montgomery Lowndes and Dallas.

10. Does the Defendant maintain a department, employee, or subcontractor responsible for reviewing, auditing or investigating interest collections and/or loan profitability? If so, state the name(s), title(s), employer and location of employment for said person(s).

11. List the name and address of each and every expert witness you plan to call at the trial of this case. State the following:

(a) his or her qualifications as an expert;

(b) the subject matter on which he or she is expected to testify;

(c) the expert witnesses' expected testimony.

12. If you contend that any of the documents requested herein below are privileged, provide the following information:

(a) Identify the document by the date it bears, or if none, the date it was written;

(b) Identify the document by the name and address of each person who wrote it or participated in the writing of it, by the name and address of each person to whom it was addressed, each person to whom a copy was identified as being directed and by the name and address of each person who received a copy of the document;

(c) Identify the document by the description of the document, as for instance, a "letter" or a "memorandum";

(d) Indicate the document's present location or custodian; or, if unknown, its last known location or custodian or indicate the location and custodian of any copies;

(e) Indicate the reason the document was not produced, i.e, attorney-client privilege, work-product privilege, etc.

13. If any of the documents requested herein below or any of the information requested above are not within your possession, custody or control at the time your responses to these discovery requests are due, please list;

(a) the last known location of the documents or information;

(b) the identity of any person or entity having information about the location of the requested documents and information.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce a complete copy of each Plaintiffs loan account, tax files, computerized tax refund information, documents identifying each named Plaintiffs loan repayment and applications.

2. Produce any and all communication, of whatsoever nature, between this Defendant and each named Plaintiff.

3. Produce all documents that concern determination of annual percentage rates, and/or determination of interest rates and fees for refund anticipation loans.

4. Produce any and all documents, memoranda, correspondence and/or communication between H&R Block, Inc and Beneficial National Bank.

5. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and Beneficial Tax Masters, Inc.

6. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank and the Internal Revenue Service that identifies and/or relates to any named Plaintiff.

7. Produce any and all documents, memoranda, correspondence and/or communication between Beneficial National Bank. and the Internal Revenue Service that identifies and/or relates to refund anticipation loan and/or the RAL program.

8. Produce all documents which identify and/or explain the establishment, location and access to the Defendants' archives or records storage.

9. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or discuss loan applications and/or credit approval for refund anticipation loans.

10. Produce all documents, correspondence, memoranda, manuals and/or guides that relate to, identify and/or discuss

electronic fund transfers and/or funds received from the Internal Revenue Service.

11. Produce all documents, letters and memoranda regarding Defendants calculation, policy, plan, procedure, design and/or method of determining the finance charge for refund anticipation loans.

12. Produce all documents attached as exhibits to the depositions of any individual who was deposed in the case styled *Zawikowski v. Beneficial National Bank, et al.,* No. 98 C 2178 United Stats District Court, Northern District of Illinois.

13. Please produce copies of Beneficial's annual reports, balance sheet and statement of cash flows or other reports of Beneficial's financial condition for the past ten (10) years.

14. Please produce copies of the resume and/or curriculum vitae of each expert witness you expect to testify at trial and all reports received from each expert.

/s/ Stephen Jackson
Stephen Jackson - JAC034
Jeff S. Daniel - DAN034
JACKSON, FRALEY & SHUTTLESWORTH, P.C.
1740 Oxmoor Road
Suite E
Birmingham, Alabama 35209
Telephone: (205) 870-9797

Walter B. Calton
John Hagood
CALTON, RUTLAND & HAGOOD, L.L.C.
312 East Broad Street
Post Office Box 696
Eufaula, Alabama 36027

DISCOVERY REQUESTS SERVED WITH ORIGINAL SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

SUMMONS

This service by Certified Mail of this Summons is initiated upon the written request of Plaintiffs' attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: H&R Block, Inc.
4400 Main Street
Kansas City, Missouri 64111

The Complaint which is attached to thus Summons is important and you must take immediate action to protect your rights. You are required to mail or hand-deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint, to K. Stephen Jackson, the lawyer for the Plaintiff, whose address is: Jackson, Fraley & Shuttlesworth, 1740 Oxmoor Rd., Suite E, Birmingham, Alabama 35209. THIS ANSWERNNST BE FILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

/s/ David S. Nix
Clerk of Court

Dated: 9-19-2000

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

SUMMONS

This service by Certified Mail of this Summons is initiated upon the written request of Plaintiffs' attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: Beneficial National Bank
c/o Household International, Inc.
2700 Sanders Road
Prospect Heights, Illinois 60070

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You are required to mail or hand-deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint, to K. Stephen Jackson, the lawyer for the Plaintiff, whose address is: Jackson, Fraley & Shuttlesworth, 1740 Oxmoor Rd., Suite E, Birmingham, Alabama 35209. THIS ANSWER MUST BE FILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

/s/ David S. Nix
Clerk of Court

Dated: 9-19-2000

IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
CLAYTON DIVISION

[Filed _____]

CIVIL ACTION
NO. CV-2000-088

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Plaintiffs,

v.

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Defendants.

SUMMONS

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c/o Household International, Inc.
2700 Sanders Road
Prospect Heights, Illinois 60070

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/s/ David S. Nix
Clerk of Court

Dated: 9-19-2000

[A copy of the Complaint follows in the original;
the Complaint is presented at the beginning of
this Joint Appendix.]

[A copy of the decision of the Middle District of Louisiana
in *Gallagher v. H&R Block Eastern Tax Services, Inc.*
follows in the original; that decision is presented
in the Petition, at 59a.]

[The decision of the Middle District of Alabama, *Anderson v. H&R Block, Inc.*, 132 F. Supp. 2d 948 (M.D. Ala. 2000), appears in the Petition, at 21a.]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

[Filed Apr. 10, 2001]

No. 01-90003-F

MARIE ANDERSON, ALVESTER BRAFORT, WALTER BRUTLEY, PATRICIA COLEMAN, TALAYA COPE, AUDREY DARBY, ANNIE DAVIS, APRIL DELOACH, DIANE FRANKLIN, LILLIE FRANKLIN, WILLIE LEWIS, CALEDONIA JACKSON, SHIRLEY JERNIGAN, EVELYN NELSON, WILLIE LAWRENCE, MAMIE MITCHELL, BETTY PERSON, DIANE PETERSON, GWEN ROGERS, WILLIAM SCREWS, ERNESTINE STARKS, GERALD STOKES, ALBERT THOMAS, CHARLES THOMAS, KENNETH WILLIAMS, EARLINE YOUNG

Petitioners,

versus

H & R BLOCK, INC.
BENEFICIAL NATIONAL BANK
BENEFICIAL TAX MASTERS, INC.

Respondents.

Petition for Permission to Appeal an Order from
the United States District Court for the
Middle District of Alabama

BEFORE: BIRCH, BARKETT and MARCUS, Circuit Judges.

BY THE COURT:

The petition for permission to appeal pursuant to 28 U.S.C. §1292(b) is GRANTED.

[The decision of the Eleventh Circuit Court of Appeals that is under review, *Anderson v. H&R Block, Inc.*, 287 F.3d 1038 (11th Cir. 2002), appears in the Petition, at 1a.]

[The order of the Eleventh Circuit Court of Appeals denying the Petition for Rehearing En Banc appears in the Petition, at 29a.]

[The order of the Eleventh Circuit Court of Appeals granting a stay of the issuance of the mandate appears in the Petition, at 36a.]